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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kavita Kamani

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08/23/2006

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EXAMINER

WILSON, YOLANDA L

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,497	<b>Applicant(s)</b> KAMANI ET AL.	
	<b>Examiner</b> Yolanda L. Wilson	<b>Art Unit</b> 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6,8-19,21-31,34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Beardsley et al. (US Publication Number 20030131285A1). As per claim 1, Beardsley et al. discloses an act of receiving actual test results, the actual test results being generated as a result of performing a test in a test environment; and act of receiving environmental data that defines the test environment under which the actual test results are generated; in response to the received environmental data, an act of selecting one or more expected test results from a results retrieval sub-system that includes a plurality of expected test results for the same test executed in different test environments, each of the plurality of expected test results being keyed by environmental conditions representing a particular test environment for comparing with the received environmental data when attempting to find a match therewith; and an act of evaluating the actual test results against the selected one or more expected test

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results to determine if the test was successfully performed in the test environment on page 3, paragraph 0031,0033; page 1, paragraph 0006; page 4, paragraph 0045.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

3. As per claim 2, Beardsley et al. discloses wherein the act of receiving actual test results comprises an act of receiving actual test results that were collected at a results collection sub-system on page 1, paragraph 0006; page 4, paragraph 0045.

4. As per claim 3, Beardsley et al. discloses wherein the act of receiving actual test results comprises an act of receiving actual test results from the test module that generated the actual test results on page 1, paragraph 0006; page 4, paragraph 0045.

5. As per claim 4, Beardsley et al. discloses wherein the act of receiving actual test results comprises an act of receiving actual test results generated from testing a software object on page 1, paragraph 0006; page 4, paragraph 0045.

6. As per claim 5, Beardsley et al. discloses wherein the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of receiving test results that were generated in an environment having one or more environmental conditions that match the test environment on page 3, paragraph 0033; page 4, paragraph 0045.

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7. As per claim 6, Beardsley et al. discloses wherein the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of receiving expected test results from a plurality of test entries in a results database, the expected results from each test entry being results that indicate the test was successful in the test environment on page 4, paragraph 0045.

8. As per claim 8, Beardsley et al. discloses wherein the act of evaluating the actual test results against the one or more expected test results comprises an act of comparing field values in the actual test results to field values in the expected test results on page 4, paragraph 0045. The field values are the parameters output as the test result.

9. As per claim 9, Beardsley et al. discloses wherein the act of evaluating the actual test results against the one or more expected test results comprises an act of determining if one or more actions were performed on page 4, paragraph 0045. One of the types of test cases the results can be output for.

10. As per claim 10, Beardsley et al. discloses wherein the act of determining if one or more actions were performed comprises an act of determining if one or more actions were performed in a specified order on page 4, paragraph 0045. One of the types of test cases the results can be output for.

11. As per claim 11, Beardsley et al. discloses further comprising an act of sending the environmental data along with a test type indication to the results retrieval sub-system on page 4, paragraph 0045; page 3, paragraph 0033.

12. As per claim 12, Beardsley et al. discloses wherein the act of receiving environmental data that defines the test environment under which actual test results are generated comprises an act of receiving environmental data from an environment discovery module on page 4, paragraph 0045; page 3, paragraph 0033. The results are obtained for the particular product and platform the product was tested on.

13. As per claim 13, Beardsley et al. discloses wherein the act of receiving environmental data that defines the test environment under which actual test results are generated comprises an act of receiving environmental data from the test module that executed the test on page 4, paragraph 0045; page 3, paragraph 0033. The results are obtained for the particular product and platform the product was tested on.

14. As per claim 14, Beardsley et al. discloses an act of sending a results update to the results retrieval sub-system, the results update including at least the actual test results on page 4, paragraph 0045.

15. As per claim 15, Beardsley et al. discloses an act of sending evaluation results to an analysis sub-system, the evaluation results including at least the actual test results and an indication of whether the test was successful on page 4, paragraph 0045.

16. As per claim 16, Beardsley et al. discloses receiving environmental data that defines a test environment under which actual test results are generated indicating that a test was performed in the test environment; in response to the received environmental data, selecting one or more expected test results from a results database that includes a plurality of expected test results for the same test executed in different test environment; and sending the selected one or more expected test results to a results

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evaluation sub-system in response to receiving the environmental data, wherein each of the one or more expected test results are keyed by environmental conditions representing one or more particular test environments for comparison with the received environmental data when attempting to find a match therewith on page 3, paragraph 0031,0033; page 1, paragraph 0006; page 4, paragraph 0045.

17. As per claim 17, Beardsley et al. discloses wherein the act of receiving environmental data that defines a test environment comprises an act of receiving environmental data from a results collection sub-system on page 4, paragraph 0045; page 3, paragraph 0033.

18. As per claim 18, Beardsley et al. discloses wherein the act of receiving environmental data that defines a test environment comprises an act of receiving environmental data from a results evaluation sub-system on page 4, paragraphs 0045; page 3, paragraph 0033.

19. As per claim 19, Beardsley et al. discloses wherein the act of receiving environmental data that defines a test environment under which actual test results are generated comprises an act of receiving environmental data that represents the test environment on page 4, paragraph 0045; page 3, paragraph 0033.

20. As per claim 21, Beardsley et al. discloses wherein the act of receiving environmental data that defines a test environment under which actual test results are generated comprises an act of receiving a test type along with the environmental data, the test type indicating a specified type of test was executed in an environment

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represented by the environmental data on page 4, paragraph 0045. The results are obtained for the particular product and platform the product was tested on.

21. As per claim 22, Beardsley et al. discloses wherein the act of receiving a test type along with the environmental data, the test type indicating a specified type of test was executed in an environment represented by the environmental data comprises receiving an indication that a software object was tested in an environment represented by the environmental data on page 4, paragraph 0045; page 3, paragraph 0033. The results are obtained for the particular product and platform the product was tested on.

22. As per claim 23, Beardsley et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of comparing environmental conditions stored in the results database to environmental conditions represented in the received environmental data on page 4, paragraph 0045; page 3, paragraph 0033.

23. As per claim 24, Beardsley et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of selecting one or more expected results having a corresponding environmental condition that must match an environmental condition contained in the received environmental data on page 4, paragraphs 0045; page 3, paragraph 0033.

24. As per claim 25, Beardsley et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of selecting one or more expected that with corresponding

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environmental conditions having a specified commonality to environmental conditions contained in the received environmental data on page 4, paragraph 0045; page 3, paragraph 0033.

25. As per claim 26, Beardsley et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of selecting a plurality of expected results from the results database on page 4, paragraph 0045.

26. As per claim 27, Beardsley et al. discloses an act of receiving a results update from the results evaluation sub-system, the results update included actual test results from a test executed in a new test environment; and an act of storing the actual results in the results database such that the actual results can be used to determine the successful of subsequently executed tests on page 3, paragraph 0033; page 4, paragraph 0045.

27. As per claim 28, Beardsley et al. discloses receive actual test results, the actual test results being generated as a result of performing a test in a test environment; receive environmental data that defines the test environment under which the actual test results are generated; in response to the received environmental data, select one or more expected test results from a results retrieval sub-system that includes a plurality of expected test results for the same test executed in different test environments, each of the plurality of expected results being keyed by environmental conditions for comparison with the received environmental data when attempting to find a match therewith; and evaluate the actual test results against the one or more expected test

results to determine if the test was successfully performed in the test environment on page 3, paragraph 0031,0033; page 1, paragraph 0006; page 4, paragraph 0045.

28. As per claim 29, Beardsley et al. discloses send the environmental data along with a test type indication to the results retrieval sub-system for determining if a match exists between the environmental conditions and the plurality of expected test results on page 4, paragraph 0045.

29. As per claim 30, Beardsley et al. discloses send a results update to the results retrieval sub-system, the results update including at least the actual test results on page 4, paragraph 0045; page 3, paragraph 0033.

30. As per claim 31, Beardsley et al. discloses send evaluation results to an analysis sub-system, the evaluation results including at least the actual test results and indication of whether the test was successful on page 4, paragraph 0045.

31. As per claim 34, Beardsley et al. discloses receive environmental data that defines a test environment under which actual test results are generated indicating that a test was performed in the test environment; in response to the received environmental data, select one or more expected results from a results database that includes a plurality of expected test results for the same test executed in different test environments; and send the selected one or more expected test results to a results evaluation sub-system in response to receiving the environmental data, wherein each of the one or more expected test results are keyed by environmental conditions representing one or more particular test environments for comparison with the received

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environmental data when attempting to find a match therewith on page 3, paragraph 0031,0033; page 1, paragraph 0006; page 4, paragraph 0045

32. As per claim 35, Beardsley et al. discloses receive a results update from the results evaluation sub-system, the results update included actual test results from a test executed in a new test environment; and store the actual results in the results database such that the actual results can be used to determine the successful of subsequently executed tests on page 3, paragraph 0033 and page 4, paragraph 0045.

***Claim Rejections - 35 USC § 103***

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beardsley et al. in view of Silva et al. (USPN 6223306B1). As per claim 7, Beardsley et al. fails to explicitly state wherein the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of [receiving] a network message from a second computer system that includes the results retrieval sub-system, the second computer system being network connectable to the computer system.

Clark discloses this limitation in column 4, lines 14-20.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the act of receiving one or more expected test

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results from a results retrieval sub-system comprises an act of [receiving] a network message from a second computer system that includes the results retrieval sub-system, the second computer system being network connectable to the computer system. A person of ordinary skill in the art would have been motivated to have the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of [receiving] a network message from a second computer system that includes the results retrieval sub-system, the second computer system being network connectable to the computer system because the user will want to analyze personally whether or not the software tested passed or failed.

35. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beardsley et al. in view of Banerjee et al. (US Publication Number 2004/0250243A1).

36. As per claim 20, Beardsley et al. fails to explicitly state wherein the act of receiving environmental data that defines a test environment under which actual test results are generated comprises an act of receiving environmental data from a second computer system that includes the results evaluation sub-system, the second computer system being network connectable to the computer system.

Banerjee et al. discloses this limitation on page 4, paragraph 0057.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the act of receiving environmental data representing that a test was performed in a test environment comprises an act of receiving environmental data from a second computer system that includes the results evaluation sub-system, the second computer system being network connectable to the

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computer system. A person of ordinary skill in the art would have been motivated to have the act of receiving environmental data representing that a test was performed in a test environment comprises an act of receiving environmental data from a second computer system that includes the results evaluation sub-system, the second computer system being network connectable to the computer system because the user will want to know whether or not the software tested on the platform passed or failed.

37. Claims 32,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beardsley et al. in view of High-Tech Dictionary Definition (magnetic disk).

38. As per claims 32,36, Beardsley et al. fails to explicitly state wherein the one or more compute-readable storage media are physical media.

High-Tech Dictionary Definition discloses this on page 1.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the one or more computer-readable media be physical media. A person of ordinary skill in the art would have been motivated to have the one or more computer-readable media be physical media because physical media, such as a magnetic disk, are used to store data thereon.

39. Claims 33,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beardsley et al. in view of High-Tech Dictionary Definition (system memory).

40. As per claims 33,37, Beardsley et al. fails to explicitly state wherein the one or more compute-readable storage media include system memory.

High-Tech Dictionary Definition discloses this on page 1.

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Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the one or more computer-readable media include system memory. A person of ordinary skill in the art would have been motivated to have the one or more computer-readable media include system memory because the system memory is used to stored important programs thereon.

### ***Response to Arguments***

41. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection. A new reference, Beardsley et al. as disclosed above, has been found to reject the independent claims and dependent claims that have been amended.

### ***Conclusion***

42. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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